IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No.18281 of 2006

Date of Decision; 20.11.2006

Jaswant Singh ... Petitioner

Versus

State of Punjab and others. ... Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. G.S. Sandhawalia, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

The petitioner was convicted under the provisions of Section 13 (1) read with Section 13 (2) of the Prevention of Corruption Act, 1988, by the Special Court, Jalandhar on 11.08.2005. Consequent upon the passing of the aforesaid order, the petitioner was dismissed from service by an order dated 27.01.2006. The petitioner preferred an appeal against the order dated 27.01.2006. The appeal preferred by the petitioner was also dismissed by an order dated 19/22.09.2006.

The factual position narrated in the pleadings of the instant writ petition reveals, that the petitioner has preferred an appeal against the decision rendered by the Special Court on 11.8.2005 and that the appeal preferred by the petitioner is still pending. A perusal of Annexure P-2 depicts that in the appeal filed by the petitioner against the aforesaid order of the trial Court, this Court has passed an interim order on 1.09.2005, whereby the sentence imposed on the petitioner has been suspended.

We are of the view that the impugned orders dated 27.01.2006

(Annexure P-3) and dated 19/22.09.2006 (Annexure P-5) cannot be interfered at the present juncture. The relief, if any, can be granted to the petitioner only on his acquittal by an appellate Court.

In view of the above, the instant writ petition is dismissed. Liberty is, however, granted to the petitioner to approach this Court, in case, he is acquitted by an appellate Court.

Disposed of accordingly.

(J.S. Khehar)
Judge

November 20, 2006
vkd

(S.D. Anand)
Judge